

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MORGAN PEARSON, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:16 CV 1450 CDP
)	
LOGAN UNIVERSITY,)	
)	
Defendant.)	


MEMORANDUM AND ORDER

Plaintiffs move to amend their complaint to add a request for punitive damages under their Missouri law claims. Defendant opposes the request on the grounds that it is beyond the amendment deadline set out in the case management order and that plaintiffs have not demonstrated good cause for such a request. Defendant also argues that amendment is futile. Leave to amend should be freely granted when justice so requires. Fed. R. Civ. P. 15(a)(2). While it is a close question, the Court believes that plaintiffs have met the good cause standard required to amend their complaint and seek punitive damages. They do not allege new claims, and defendant has failed to argue that it would be prejudiced by amendment. The evidence plaintiffs seek to introduce with respect to punitive damages will already be at issue in the underlying claims, and defendant does not argue that amendment will delay the trial of this case. Whether plaintiffs will

ultimately make a submissible case or succeed at trial on their request for punitive damages is not before me at this time, but defendant has not demonstrated that their request meets the futility standard to deny leave to amend. I will permit plaintiffs to amend their complaint as requested, but no future amendment will be permitted absent extraordinary circumstances. Finally, I again caution plaintiff's counsel about the use of inflammatory rhetoric in his pleadings and remind the parties of their obligation to engage in substantive good faith efforts to resolve discovery disputes.

Accordingly,

IT IS HEREBY ORDERED that motion to amend [38] is granted, and the second amended complaint [38-2] is deemed filed as of this date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of January, 2018.